

**RUMSON PLANNING BOARD
REGULAR MEETING
SEPTEMBER 10, 2007
MINUTES**

Chairman Parton called the meeting to order at 7:30 p.m. with the Pledge of Allegiance. The requirements of the Open Public Meetings Act were stated as met. The roll was called, with the following members present: Parton, Rubin, Shanley, York, Casazza, Hewitt, White, Lospinuso. Also present: Bonnie Heard and Bernard Blum (T&M Assoc.), Michael Steib (Board Attorney), Fred Andre (Zoning Officer), Karen St. George (State Shorthand).

Approval of Minutes

Mr. York noted that the minutes approved at the last meeting were from July and not June, as stated. With this correction, Mrs. White moved to approve the minutes, and Mr. Casazza seconded. Voice Vote: Ayes, unanimous.

Land Use Course for Zoning & Planning

Chairman Parton announced that Part I of the required Land Use Course for Zoning and Planning, given by Mr. Steib, will immediately follow this meeting's adjournment.

Francis & Nancy Gilbertson, 28 Allen St.

Mr. & Mrs. Gilbertson appeared before the Board to present an informal application regarding a two-lot subdivision. They currently reside on the property, and it is currently on the market. They propose a minor subdivision with two pre-existing variances (lot diameter and setbacks), and one new variance for lot area. A tax map was presented to show that the lots on the west side of their street are similar to the lots that existed at the time of the original "Oceanic" subdivision. They do not think their proposal would have any negative impact and would be conforming with the neighborhood. There is a park two houses away, which they think would help make their proposal appropriate.

Ms. Heard noted that there are two existing trees on the property. Mr. Gilbertson stated they do not have any plans to develop the new lot. The existing cedars are on the border, and he thought they could be maintained with any new construction and would be outside any building envelope.

Mrs. Parton noted the lot area variances on both lots (1,300 sq. ft. additional on both lots). Mr. Gilbertson said that this would make these lots the same or larger as others on this side of the street. Mrs. Gilbertson confirmed that this application would be totally consistent with the existing lots on this street – none of which provide the required 6,000 sq. ft. lot area.

Chairman Parton said that, in general, the Board does not like to crowd houses on a lot, and she thinks the homes that were built on other lots on this street might not have been approved by this Board.

Mr. Gilbertson noted that the zone change in the R-5 Zone put every one of the homes in this subdivision over the required limits.

Mr. Casazza expressed concerns that if the Board allows this subdivision, several other people with similar lots might come in with the same request. Mr. Gilbertson thinks the impact on the zone as it exists would be nil; however, Mrs. Parton thinks it would exacerbate the density problem on small lots. Mr. Gilbertson noted that a very large house could be built on this lot, which would not be in character with the neighborhood and be twice the size of others nearby.

Ms. Heard stated that the floor area cap would come into play with the larger lot, although Mr. Gilbertson thinks they could still build a very large house. The maximum permitted floor area is 1,800 sq. ft. for each of the proposed lots, and the larger lot could have 3,500 sq. ft.

Mr. Shanley agrees with the Board's comments regarding issues of density and precedent setting.

Mr. York is concerned with approving a nonconforming lot that may not be sellable and would need variances, in order to build a house.

Mr. Hewitt thinks it is a very congested area, and this would make a bad situation worse.

Councilman Rubin reported that a potential 14 additional residences in this neighborhood could come before the Board for a similar application, as noted by Mr. Casazza.

Mr. Gilbertson does not believe they would be setting a precedent, as each application is decided on its own merit. He does not think this neighborhood should be considered congested, and it is a family neighborhood.

Mrs. White noted that things have changed, and if they were faced with fourteen additional subdivisions, as previously suggested by Mr. Casazza, she would worry about the infrastructure of the town.

Chairman Parton reviewed that the general consensus is that the application would not be considered feasible by the Board. Mr. Gilbertson thanked the Board for their time.

Stephen & Laurie Barrett, 28 Second St. and 23 Church St.

Ms. Heard reviewed the T&M letter from 8/23/07. Some incomplete items have now been submitted, and she listed these items for the Board's information. Mr. Shanley moved to approve waivers for the requested items as recommended by Ms. Heard, and Mr. Casazza seconded.

Roll Call Vote: Ayes – Parton, Rubin, White, Lospinuso, Hewitt, Casazza, Shanley, York

Nays – None

Motion carried.

Mr. Barrett was sworn in for testimony. Mr. Steib reported that the following exhibits have been submitted:

- A-1 – Application, dated 1/10/07
- A-2 – Final plat for minor subdivision, dated 1/10/07
- A-3 – Elevation and floor plan, dated 11/6/06
- A-4 – T&M report, dated 8/23/07
- A-5 – Final plat for minor subdivision, dated 8/15/07
- A-6 – Letter from JCP&L regarding easement
- A-7 – Application, dated 8/16/07
- A-8 – Site plan application
- A-9 – Report of trees on the property (2 significant specimen trees identified).

Mr. Barrett presented their application for a minor subdivision to adjust the lot line between 23 Church St. and 28 Second St. They own both lots. The 23 Church St. lot was a fully-maintained rental property, which he purchased in 2005. Last year the borough council vacated a section that bisected these lots,

increasing them by 20'. They would like to build a home on 23 Church St. for themselves and sell the other lot.

A previously-submitted application has now been revised:

- A new design has been submitted for the house
- One variance has been eliminated
- The house has been moved back to a 25' setback
- They have clarified the utility easement
- Other miscellaneous concerns have now been addressed.

Their application is an adjustment of the old border line on Second St. to 76' (currently 70'), and 87.25' (currently 81.25'). They intend to minimize the disturbance on their lot. The only proposed change to Lot #6 would be some driveway modification to allow access to the garage in its current location. A rear yard setback variance would also be required, as well as a side yard variance (1.5 provided where 9' is required).

Lot #7 has an existing house that was built in the early 1900's and is in need of complete renovation, which would not be practical. They propose a new home with a front porch, and they do not plan on removing any trees. One spruce tree would be relocated, as it could not be protected during construction. The variance for the front yard setback is 10' (25' provided – 35' required). The existing home's setback is 18.3'. The existing rear yard setback is 45.5', and the proposed rear yard setback is 40'. Both houses are similar in depth. The setbacks they propose are consistent or greater than the surrounding homes, and he presented an exhibit that shows other homes that surround these properties:

- A-10a and A10b– photos of existing homes
- A-11 – surrounding homes' front setback information.

Mr. Barrett stated that this is an older neighborhood, and the setbacks they are proposing are greater than 13 of the other homes on the street, with only three having greater setbacks. He does not think his proposal will change the character of the neighborhood. He thinks the benefits will outweigh the detriments.

Chairman Parton asked about the oak tree in front of the house, which is not shown on their drawing. Mr. Barrett stated this tree would remain and be protected on the lot.

Mr. Shanley asked how long Mr. Barrett has owned the houses, and Mr. Barrett stated he purchased the Second St. property in 1999 and the Church St. property in 2005. Mr. Shanley asked if there was a deed restriction on these lots, and Mr. Barrett stated there was no deed restriction, but there was a utility easement.

Mr. Barrett explained that the side yards are slightly increased, because of the additional width. Moving the lines gave them some extra square footage in building coverage. The rear yard setback would be 40' to allow them a larger back yard area.

Chairman Parton reviewed that there would be three variances required – two of which are existing and one that would be improved with this application.

Mr. Barrett noted that there is a basement in the current house, and no new excavation is proposed that would damage the tree.

There were no questions or comments from the public. Ms. Heard stated that some modifications will be required with the drainage system, and T&M Assoc. can meet with Mr. Barrett to show him what would need to be done.

Chairman Parton asked that the trees be mentioned the resolution.

Mr. Shanley moved to approve the application, and Mr. Casazza seconded.

Roll Call Vote: Ayes – Parton, Rubin, White, Lospinuso, Hewitt, Casazza, Shanley, York

Nays – None

Motion carried.

Other Business

Chairman Parton read a letter from John Emery notifying the Board of his intention to resign, effective as of the 9/10/07 meeting. He wished the Board good luck in their future endeavors. Chairman Parton shared her comments on Mr. Emery's resignation, noting his great help to her in her position as Chairman of the Board. She offered her thanks to him for his service to the Board and the Borough of Rumson.

Mr. Blum announced that Bonnie Heard will continue to work with this Board for a few months, after which Dave Marks will be taking over some of the duties from Ms. Heard and getting involved on some applications. He introduced Mr. Marks to the Board.

Chairman Parton reported on the Coastal Monmouth Region Collaboration, noting nothing new on this issue.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 8:15 p.m.

The next meeting: **October 1, 2007.**

Respectfully submitted,

Patricia Murphy